

**WAUKESHA COUNTY  
MINUTES OF THE PARK AND PLANNING COMMISSION  
THURSDAY, OCTOBER 28, 2004, 1:00 P.M.**

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**CALL TO ORDER**

Walter Baade, Chairperson, called the meeting to order at 1:00 p.m.

Commission

|                  |                           |             |                |
|------------------|---------------------------|-------------|----------------|
| Members Present: | Walter Baade, Chairperson | Pat Haukohl | Gary Goodchild |
|                  | Betty Willert             | Walter Kolb |                |

Commission

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|-----------------|----------------|-------------|
| Members Absent: | Ellen Gennrich | Mareth Kipp |
|-----------------|----------------|-------------|

Staff

|                  |  |
|------------------|--|
| Members Present: | Richard L. Mace, Planning and Zoning Manager |
|                  | Kathy Brady, Support Staff Supervisor        |

|                 |              |              |             |             |
|-----------------|--------------|--------------|-------------|-------------|
| Guests Present: | Brian Turk   | Scott Salick | Steve Traut | Mark Hanson |
|                 | Mike Mehring |              |             |             |

**MINUTES**

- *Mrs. Willert moved, seconded by Mrs. Haukohl and carried unanimously, for approval of the September 9, 2004, Minutes, as corrected.*

**PUBLIC COMMENT**

Chairperson Baade asked if anyone from the audience wished to address the Commission? There being no one, he moved to the next item on the agenda.

**SCHEDULED MATTERS**

- Schedule January, February, March and April 2005, Commission Meeting dates.

The meeting dates were scheduled as follows:

- January 13 and 27, 2005
- February 10 and 24, 2005
- March 10 and 24, 2005
- April 14 and 28, 2005

- **SZT-1526 (Steve Traudt) Town of Brookfield, Section 29 (R-2 Residential and C-1 Conservancy Districts to the R-3 Residential and C-1 Conservancy Districts [County] and Rs-3 Single Family Residential and C-1 Conservancy Districts to the RM-2 Multi-Family Residential District with a PUD Overlay District and C-1 Conservancy District (Town)**

Mr. Mace presented the "Staff Report and Recommendation" dated October 28, 2004, and made a part of these Minutes. He pointed out the location of the property on the east side of Barker Road, adjacent to and north of the Elite Tennis and Racquetball Club property in the Town of Brookfield on the aerial photograph.

Mr. Mace indicated the property contains a single-family residence and outbuilding, which are in poor condition and the parcel is approximately 3.8 acres in size. The petitioner is proposing to construct a four building condominium complex and each building would contain two units with attached garages. Access to Barker Road has been an issue with this site and the Department of Public Works has

indicated to the Planning and Zoning Division Staff that the proposed access location (between Brook Park Drive and Watertown Road) for the site is acceptable, however, an Access Permit has not been issued at this point.

Mr. Goodchild asked who owns the land to the east of the petitioner's property? Mr. Mace replied, "The Town of Brookfield". Mr. Goodchild asked if the Town had plans for the property, to which Mr. Mace responded, the property is open space and wetland. Mr. Mace also pointed out other properties the Town of Brookfield owns in the vicinity and explained that the long-term plan is for public ownership of the floodplain and wetlands along Poplar Creek. Mrs. Willert asked if any of the area could be developed? Mr. Mace answered, "No". Mrs. Haukohl said the submitted Development Plan indicates a tennis court on the northwest corner of the property. She expressed concerns with additional impervious surface and drainage problems. Mr. Mace thought the tennis courts may be removed from the plans. Mr. Traut, petitioner, said he liked the idea of the tennis courts and noted they would be bermed and landscaped along Barker Road. The tennis club to the south indicated some of their members may be potential buyers for the condominiums and the tennis court would be a nice amenity for the area.

Mr. Goodchild asked if the two parcels to the north would be condominiums also? Mr. Mace replied "Not necessarily". Mrs. Haukohl expressed concerns with the number of vehicles traveling on Barker Road and how much additional traffic would be created from this development. Mr. Mace stated that access must be provided. Mr. Traut asked if the Conditional Use could go forward at this point? Mr. Mace said the Conditional Use would not be considered before the Waukesha County Board of Supervisors approves the rezoning.

***After discussion, Mrs. Willert moved, seconded by Mr. Kolb and carried unanimously, for approval, as conditioned, in accordance with the "Staff Report and Recommendation". The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.***

• **SCU-1384 (Lloyd Williams) Town of Delafield, Section 25**

Mr. Mace presented the "Staff Report and Recommendation" dated October 28, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a Conditional Use Permit for a Planned Unit Development.

Mr. Mace indicated the property is located on the southwest shore of Etter Lake in the Town of Delafield. The property contains two parcels with separate tax key numbers. The northern parcel contains a single-family residence, which will be removed. The southerly parcel contains a farm, which will be retained and the petitioner will continue to farm. The petitioner is proposing to develop a 13-lot subdivision and possibly further divide Lot 13. Mr. Goodchild expressed concerns, in particular with Lot 13 and why there would not be an ingress/egress easement over the outlot to make sure Lot 13 would have access. Mr. Mace explained that it would be an outlot with access rights and ultimately a street. Mr. Goodchild asked if it would be stated on the Plat that the outlot is also an ingress/egress for Lot 13, to which Mr. Mace replied "Yes". Mr. Goodchild asked if the existing home would be removed? Mr. Mace answered, "The home on the northerly parcel would be removed". Mrs. Haukohl asked where the pier would be located and Mr. Mace responded that he was unsure, however, he indicated on the map the location of the property's frontage on Etter Lake. Chairperson Baade asked the approximate size of Etter Lake? Mr. Mace replied, the lake is approximately 10 acres in size. Mrs. Haukohl asked, how would the pier be accessed if no grading, filling or excavating is permitted per Condition No. 4? Mr. Mace responded there may be a walkway with crushed stone or woodchips or it could be asphalted, however, a plan has not been submitted. Mrs. Willert wondered if the wording "Waukesha County Department of Parks and Land Use" in Condition No. 2 should be changed to read

“Waukesha County Park and Planning Commission”. Mr. Mace said, “Yes” to which the Commission agreed. Mrs. Haukohl suggested the same wording in Condition No. 4 should also be changed regarding the pier location. Mrs. Willert disagreed and said the Staff uses good judgment and felt that Condition No. 4 should not be changed. The Commission agreed.

*After discussion, Mrs. Haukohl moved, seconded by Mr. Goodchild and carried unanimously, for approval, as conditioned, in accordance with the “Staff Report and Recommendation” with a change to Condition No. 2 which shall now read:*

- 2. Any changes or modifications to any part of this development shall be reviewed and approved by the Town of Delafield Plan Commission and the Waukesha County Park and Planning Commission prior to implementation.*

*The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.*

- **SCU-1385 (Chad Olsen/Flagstone Landscaping) Town of Merton, Section 30**

Mr. Mace presented the “Staff Report and Recommendation” dated October 28, 2004, and made a part of these Minutes. He pointed out the location of the property on Road “M” in the Town of Merton on the aerial photograph and stated the petitioner is requesting a Conditional Use Permit for after-the-fact and proposed earth-altering activities in conjunction with the construction of a single-family residence, attached garage, patio, retaining walls and walkways.

Mr. Mace indicated the owner began earth-altering activities prior to obtaining approvals to construct the residence and the entire site has been disturbed from the shoreline to the road. After a Staff inspection of the property and being informed of the violation, the owner applied for a Conditional Use for the grading activities and a Variance for the construction of seven retaining walls within 75’ of the shoreline. The property is very steep lakeside of the residence. The Land Resources Division determined that only part of the retaining wall near the shoreline is necessary for erosion control and would be allowed without a Variance. The other retaining walls were deemed unnecessary and were denied by the Waukesha County Board of Adjustment. Mrs. Willert asked if the road would be extended with a turnaround, to which Mr. Mace replied “Yes”. There was discussion regarding who owned and maintained the driveway/road. Mr. Mace said he thought it was a mill tax road. Mr. Salick, petitioner, clarified the Town no longer plows the road, a private association has been plowing the road for approximately two years. He noted the portion of the road being referred to narrows to approximately 8’ wide. Mr. Goodchild said the original Plat should show it as a Town road. Mr. Mace said, “It may”, however, the position of Towns in some areas is that if they have never accepted the road as a Town road, they will not take responsibility for the road. Mrs. Haukohl asked about several trees, which had 2’ of fill placed around them on the roadside of the residence? Mr. Salick answered that the fill had been removed. Mrs. Haukohl asked if the proposed patio on the lakeside of the residence meets the setback requirements to which Mr. Mace responded, that the standard setback requirements (75’) of the Ordinance would apply. Mr. Salick explained that when he had applied for a Demolition Permit for the previous residence on the property, the contractor suggested the grading be performed at the same time, but he was unaware a Grading Permit was needed.

*After discussion, Mrs. Haukohl moved, seconded by Mr. Kolb and carried unanimously, for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.*

- **PO-04-LSBT-1 (At Home Hot Tub and Spas/Paul Banner) Town of Lisbon, Section 21**

Mr. Mace presented the “Staff Report and Recommendation” dated October 28, 2004, and made a part of these Minutes. He pointed out the location of the property on Indian Grass Lane, west of S.T.H. 164 in the Town of Lisbon on the aerial photograph and stated the petitioner is requesting a Plan of Operation Permit for a warehouse for the storage of hot tubs, pools, mattresses, furniture and pool tables; a warehouse style showroom; and a restroom.

Mr. Mace indicated the petitioner would utilize Units B and C of the multi-tenant building. Mrs. Haukohl asked about the State Approved Plans, which were required? Mr. Mace replied that when a commercial building is built, State Approved Plans must be submitted to the Town Building Inspector, if required.

*After a brief discussion, Mrs. Willert moved, seconded by Mrs. Haukohl and carried unanimously, for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.*

- **PO-04-OCOT-29 (Fringe Benefits/Pro Clean Dry Cleaners) Town of Oconomowoc, Section 26**

Mr. Mace presented the “Staff Report and Recommendation” dated October 28, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a Plan of Operation Permit for the retail sale of home accessories and décor (Fringe Benefits) and counter service/drop off site (only) for Pro Clean Dry Cleaners.

Mr. Mace indicated the property is located on Brown Street in the Town of Oconomowoc. He explained that Pro Clean Dry Cleaners would be a drop off/pick up operation only.

*After a brief discussion, Mrs. Willert moved, seconded by Mrs. Haukohl and carried unanimously, for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.*

- **Amend the Regional Water Quality Management Plan for the City of Waukesha, Sections 29 and 32**

Mr. Mace presented the “Amendment to the Regional Water Quality Management Plan for the City of Waukesha” dated September 2004, and made a part of these Minutes.

Mr. Mace indicated the area to be amended is located near Northview Road in the City of Waukesha. The proposed amendment would remove the secondary environmental corridor designation due to a mapping error. The area is intended to be developed to accommodate four single-family homes. Mrs. Haukohl asked if the area was of any consequence? Mr. Mace replied “Not in my opinion” and added that the area is an open field.

*After discussion, Mrs. Haukohl moved, seconded by Mr. Goodchild and carried unanimously, for approval, in accordance with the “Regional Water Quality Management Plan for the City of Waukesha”.*

• **(Lee A. Rowe, Trustee/Herbert and Gordon Rowe Trust) Town of Oconomowoc, Section 22**

Mr. Mace presented the "Staff Memorandum" dated October 28, 2004, and made a part of these Minutes. He pointed out the location of the property on C.T.H. "K" in the Town of Oconomowoc on the aerial photograph and stated the petitioner is requesting a waiver from the requirement to include a remnant parcel on a Certified Survey Map.

Mrs. Willert asked the total size of the parcel to which Mr. Mace replied, approximately 80 acres. The proposed request is for a Certified Survey Map, which would create a five-acre parcel (split off of the 80 acre site) containing an existing single-family residence, barn and several other farm buildings. Chairperson Baade said he understood the family wants to restore the farm property. Mr. Mace explained, the Ordinance requires if there is an existing parcel and a parcel is created within it, the remnant parcel must be included in the Certified Survey Map. The request is to not include the remainder 75 acres in the Certified Survey Map. Mr. Goodchild asked if the County needed to check and see if there was access off of a County Highway? Mr. Mace replied that according to the County Access Ordinance, access could be provided for every 500', and the property would be entitled to two accesses.

*After discussion, Mrs. Willert moved, seconded by Mr. Kolb and carried unanimously, for approval, in accordance with the "Staff Memorandum". The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.*

• **(Ron and Karla Schurman) Town of Vernon, Section 2**

Mr. Mace presented the "Staff Memorandum" dated October 28, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting an Unspecified Conditional Use to operate a commercial wholesale company.

Mr. Mace indicated the property is located on Millbrook Circle in a residential subdivision called Sunset Farms, northeast of the intersection of S.T.H. 164 and C.T.H. "ES" and I-43 in the Town of Vernon and contains approximately 40 residential lots. The petitioner is requesting the right to apply for an unspecified Conditional Use to operate a commercial wholesale business from the residence and to allow parking for two commercial vehicles on the property. There are mixed feelings from the neighborhood about the operation of the business. The business consists of the storage of snack foods in the detached garage, which are then distributed to grocery stores. The snack foods are delivered once per week via delivery truck.

Mr. Mace indicated a Conditional Use should not be applied for under the present Ordinance, because the Waukesha County Zoning Code does not allow parking for more than one van or pickup truck used for a business, the property does not front directly upon or have access to an arterial or collector street and the operation exceeds the criteria for a home occupation residential use. However, proposed new amendments to the Waukesha County Zoning Code may provide for this use (as a Conditional Use) as a Limited Family Business. The Planning and Zoning Division Staff is recommending the request be denied at this time, until the Waukesha County Zoning Code amendments are approved by the Waukesha County Board of Supervisors, which may allow the petitioner to go forward with their request. In addition, the Staff recommends the violation be placed on hold until January 1, 2005. Mr. Goodchild asked if the Town has heard the request? Mr. Mace answered, "The Town also recommends holding the request open until a decision has been made on the new amendments. Chairperson Baade asked if the Commission recommends denial, would the petitioners have to start the entire process over again? Mr. Mace replied that the petitioners have not started the Conditional Use process as of this time. Mrs. Haukohl asked if the matter is placed on hold until January 1, 2005, what

happens with regards to the violation to which Mr. Mace replied, the Planning and Zoning Division Staff is recommending the violation also be placed on hold. The Commission and the Town will ultimately decide if this type of use is appropriate for this particular residential subdivision.

Mr. Goodchild wondered why the item was on the agenda, as the Town of Ottawa is holding these types of requests until the Ordinance amendments are adopted. Mr. Mace explained there have been complaints from neighbors and it is considered a violation. Mr. Schurman, petitioner said he has 38 of the 40 neighbors signatures in support of the business. Mrs. Haukohl asked if it was necessary to have the deliveries made with a semi-trailer truck to which Mr. Schurman replied “No”, only UPS or UP Special delivers the product, which normally takes 10 minutes. He further explained the two vans he owns for the business are white in color and unmarked.

*After discussion, Mrs. Haukohl moved, seconded by Mrs. Willert and carried unanimously, for denial, in accordance with the “Staff Memorandum”.*

- **(Phillip Peters) Town of Oconomowoc, Sections 35 and 36**

Mr. Mace presented the “Staff Memorandum” dated October 28, 2004, and made a part of these Minutes. He pointed out the location of the property on Road “B”, with frontage on Okauchee Lake in the Town of Oconomowoc on the aerial photograph and stated the petitioner is requesting approval for retaining walls within 5' of adjacent property lines.

Mr. Mace indicated the petitioner is proposing to replace nine retaining walls on the property, seven within 5' of property lines. Mrs. Willert asked if there is a residence on the property? Chairperson Baade answered, “Yes”. Mr. Hanson, from Hanson’s Landscaping pointed out (referring to the submitted drawing) which retaining walls would be replaced. Mrs. Willert asked what type of material the existing walls were made of, to which Mr. Hanson replied, that the existing walls consist of a variety of materials, mainly concrete, cinder block and telephone poles. All of the retaining walls would be replaced with modular block (keystone style). He noted the replacement retaining walls would tie into retaining walls on adjacent properties and would preserve the existing trees on the property. Mrs. Willert asked if the neighbors had concerns with the project? Mr. Hanson replied that as far as he knew they were happy to have them replaced because they are an eyesore.

*After discussion, Mrs. Haukohl moved, seconded by Mr. Goodchild and carried unanimously, for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.*

- **(Michael Mehring) Town of Oconomowoc, Section 36**

Mr. Mace presented the “Staff Memorandum” dated October 28, 2004, and made a part of these Minutes. He pointed out the location of the property on Road “Q” and Peterson Drive (Parcel 3) in the Town of Oconomowoc on the aerial photograph and stated the petitioner is requesting reconsideration of conditions of approval (from the September 25, 2003, Park and Planning Commission meeting).

Mr. Mace indicated in June 2003, the Park and Planning Commission approved a request (Woodbury Homes, Parcel 2) to construct retaining walls within 5' of the property line. A portion of the retaining walls were located within a designated drainage easement between Parcels 2 and 3. The matter was discussed further at other Park and Planning Commission meetings and the revised proposal was approved with conditions in September 2003, however, all conditions have not be complied with to date.

Earthen material (750 cu. ft.) was removed below the easterly wall which was required to be removed to compensate for lost stormwater and sedimentation storage which would have infiltrated the area where a portion of the new retaining walls are now constructed.

Mr. Mace said that the retaining walls on Parcel 2 (Woodbury) went into the drainage area (a natural pothole) shared by a couple of the lots. The petitioner is proposing modifications to eliminate the pond and revise the drainage easement. He further explained, that because there has been so much disturbance the soils have been compacted and do not drain properly. The Planning and Zoning Division Staff does not object to the request. He presented before and after photographs of Parcels 2 and 3 showing the area being wooded before construction activities occurred. Mr. Mehring, petitioner said he has owned the property since 1997 and there was never standing water, however, two large willow trees located in the area of the pothole were removed.

Mr. Mace said the petitioner is proposing to revise the drainage easement previously placed on the property and remove and enlarge the pond as a drainage basin/easement. Mr. Goodchild asked, how could it be accomplished? Mr. Mehring replied that the pond on the Woodbury property would be filled with sand and gravel. Mr. Mace clarified that the location of the easement would be revised and expanded. The basin would be filled, the retaining walls would no longer be located in the easement and the northwesterly line of the easement would be relocated to the east approximately 8' and extend onto Mr. Mehring's property. Mrs. Willert indicated the Planning and Zoning Division Staff feels the request would be an improvement. Mr. Goodchild asked where the water would go? Mr. Mace replied, it will seek its natural level throughout the basin. Mr. Mehring stated the pothole was four to five feet deep in the center. Mr. Mace explained this is a difficult matter because many things were done to the site before the Land Conservation staff viewed the property. He added that there was most likely activity taking place in the existing easement, which adversely affected the permeability of the easement. Once all of the work is completed, and plant material is established, the root zones of the plant material will help create spaces for the water to penetrate into the ground. Mrs. Willert said that ultimately, the water will seek the level of the lake.

*After discussion, Mrs. Willert moved, seconded by Mr. Kolb and carried unanimously, for approval, as conditioned, in accordance with the "Staff Report and Recommendation". The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.*

At 2:45 p.m., the Commission decided to recess for 15 minutes before the 3:00 p.m. Scheduled Matter. At 3:00 p.m. the Commission reconvened.

• **3:00 p.m. (ProHealth Care/Cancer Walk)**

Request: Waiver of Parks System reservation policy.

Mr. Kavemeier indicated the ProHealth Care Regional Cancer Center is requesting the use of Mukwonago Park on Saturday, May 7, 2005, for a fundraising walk. Normal park policy/procedure is not to reserve any picnic/camping areas prior to January 2, 2005, but the ProHealth Care Regional Cancer Center would like a commitment for the use of Mukwonago Park prior to January 2, 2004, before printing the brochures for the event. Picnic Areas 1, 2 and 3 would be utilized and approximately 600 persons would attend the event. ProHealth Care would provide food and a DJ for the participants. He noted it is not normally a heavy use period for the park and they are not asking for a waiver of the fees (\$75.00 event fee and fees for picnic areas). ProHealth Care is also asking permission from the Commission to sell raffle tickets to their group for a fundraising event.

*After discussion, Mr. Kolb moved, seconded by Mr. Goodchild and carried unanimously, for approval of waiving the Parks System reservation policy for May 7, 2005 and permission to sell raffle tickets for the event.*

**ADJOURNMENT**

*There being no further business to come before the Commission, Mrs. Willert moved, seconded by Mrs. Haukohl to adjourn at 3:10 p.m.*

Respectfully submitted,

Ellen Gennrich  
Secretary

EG:kb